

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

In 1990, the Legislature created the Florida Seaport Transportation and Economic Development Program (FSTED) in s. 311.09, F.S. The FSTED Program is managed by the Florida Seaport Transportation and Economic Development Council (Council), which consists of the 14 deep-water port directors, the Executive Director of the Office of Tourism, Trade and Economic Development, and the Secretaries of the DOT and the Department of Community Affairs. The Council is responsible for preparing a 5-year Florida Seaport Mission Plan, which defines the goals and objectives of the seaports.

As Florida's seaports have expanded in size, in cargo moved, and in international importance, so have concerns about seaport security. In 2001 the Legislature enacted s. 311.12, F.S., to adopt minimum seaport security standards relating to such issues as port access, fencing, lighting, security training, and cargo handling. These standards were developed by the Office of Drug Control in the Executive Office of the Governor in conjunction with the Florida Department of Law Enforcement (FDLE) and local law enforcement agencies having primary authority over the affected seaports, and in consultation with the FSTED Council.

Subsection (6) of s. 311.12, F.S., specifically requires that any seaport that receives state funds for security projects must enter into a joint participation agreement with the appropriate state entity for use of the funds. Further, the seaport must use a seaport security plan developed pursuant to this section and approved by the Office of Drug Control and FDLE as the basis for the agreement for the expenditure of state funds.

The 14 deepwater seaports identified in s. 311.09, F.S., include the ports of: Jacksonville, Port Canaveral, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina. FDLE has identified two ports, the Port of Fort Pierce and Port St. Joe, that currently have little maritime activities and for which all of the seaport security standards are not appropriate.

This bill authorizes FDLE to exempt a seaport from all or part of state seaport security standards contained in subsection (1) – (5) of s. 311.12, F.S., if it is determined that the level of maritime activity at the seaport does not require compliance with a particular standard. The bill also requires FDLE to periodically review the activities at the exempted seaports to determine if removal of an exemption is warranted. However, no seaport would be exempt from the requirement that state funds for seaport security projects must be spent based on an adopted seaport security plan approved by the Office of Drug Control and FDLE.

C. SECTION DIRECTORY:

Section 1. Amends s. 311.12, F.S. to authorize FDLE to exempt a seaport from state seaport security standards if it determined that the level of maritime activity at the seaport does not require compliance with the standards. The bill also requires FDLE to periodically review the activities at the exempted seaports to determine if removal of an exemption is warranted.

Section 2. Provides that the bill becomes effective upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

See Fiscal Comments section, below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

See Fiscal Comments section, below.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

The bill will likely have a minimal negative fiscal impact on the state due to FDLE determining if seaport activity levels at certain ports justify granting security standards exemptions, and for periodic follow-up reviews. The bill will have a positive fiscal impact on seaports to the extent that exemptions are granted and seaport security planning costs are avoided. FDLE has identified two ports, the Port of Fort Pierce and Port St. Joe, that currently have little maritime activities and for which all of the seaport security standards are not appropriate.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not raise any apparent mandates issues.

2. Other:

This bill does not raise any apparent constitutional issues.

B. RULE-MAKING AUTHORITY:

This bill does not raise any apparent rule-making authority issues.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES